

Message Text

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ACTION OFA-01

INFO OCT-01 ARA-06 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

DLOS-04 EB-07 COME-00 CG-00 DOTE-00 INT-05 JUSE-00

TRSE-00 SCS-03 SCA-01 AGR-05 IO-10 OES-03 NSCE-00

SSO-00 USIE-00 INRE-00 /086 W
----- 072472

O 142155Z AUG 75

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC IMMEDIATE 7075

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E.O. 11652: N/A

TAGS: EFIS, BF

SUBJ: OPENING SPINY LOBSTER TALKS

REF: NASSAU 1306; NASSAU 1309

1. USG AND GCOB DELS MET AUGUST 13 IN OPENING SESSION ON SPINY LOBSTER. ADDERLEY WELCOMED U.S. DEL WITH STATEMENT ON IMPORTANCE GCOB ATTACHES TO OFFSHORE RESOURCES, ARCHIPELAGO STATUS AND THIS FIRST FOREIGN POLICY VENTURE SINCE INDEPENDENCE (TEXTS SENT 8/13). FOLLOWING OPENING STATEMENTS BY U.S. AMB AND U.S. DEL CHRMN WALLACE, ADDERLEY ASKED WHAT U.S. POSITION IS.

2. US REP INDICATED SPECIFICS OF U.S. POSITION WOULD BE PUT FORWARD NEXT MEETING IN A DOCUMENT AND REVIEWED GENERAL OBJECTIVES OF U.S. IN NEGOTIATION, INCLUDING CONSERVATION, ACCESS TO THE RESOURCE WITH A LIMIT ON NUMBER OF LICENSES, ASSISTANCE IN ENFORCEMENT, RECIPROCITY, AND SCIENTIFIC COOPERATION.

3. PRESENTATION OF GCOB DEL VERY FRIENDLY, SELF-ASSURED.

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ADDERLEY INDICATED GCOB POSITION ON INTERIM ENFORCEMENT MOR-

ATORIUM UNCHANGED.

4. TALKS RESUMED AUGUST 14 WITH PRESENTATION AND EXPLANATION
BY U.S. REP OF FOLLOWING PAPER ON U.S. POSITION:

BEGIN TEXT U.S. PROPOSALS FOR ACCOMMODATION IN MATTERS RELATING
TO SPINY LOBSTER

LISTED BELOW ARE THE PRINCIPAL ELEMENTS WHICH THE UNITED
STATES BELIEVES SHOULD BE INCLUDED IN ANY ARRANGEMENTS WITH
THE BAHAMAS CONCERNING SPINY LOBSTER. THIS LISTING IS MADE
ON THE UNDERSTANDING THAT THE SPINY LOBSTER IS A CREATURE OF
THE CONTINENTAL SHELF, AND IS MADE WITHOUT PREJUDICE TO THE
PRECISE FORM IN WHICH ANY ARRANGEMENTS BETWEEN THE TWO GOVERN-
MENTS MIGHT BE CAST OR THE NATURE OF ADMINISTRATIVE ARRANGE-
MENTS WHICH MIGHT BE NEEDED TO IMPLEMENT THESE PROPOSALS.

I. RECIPROCITY

THE TERMS AND CONDITIONS OF ANY ARRANGEMENTS UNDER WHICH U.S.
FISHERMEN WOULD OPERATE REGARDING SPINY LOBSTER FISHING ON
THE BAHAMIAN BANKS WOULD BE RECIPROCAL IN THE SENSE THAT THESE
SAME TERMS AND CONDITIONS WOULD APPLY WITH RESPECT TO BAHAMIAN
FISHERMEN DESIRING TO FISH FOR SPINY LOBSTER ON THE U.S.
CONTINENTAL SHELF.

II. LICENSING OF VESSELS

AMERICAN VESSELS WOULD BE ELIGIBLE TO PURCHASE LICENSES TO
FISH FOR SPINY LOBSTER ON THE BAHAMIAN BANKS. THE NUMBER OF
AMERICAN VESSELS WHICH WOULD BE ALLOWED TO PURCHASE LICENSES
WOULD BE BASED ON THE AMOUNT OF FISHING WHICH WOULD ENSURE
THE PROPER CONSERVATION OF THE RESOURCE, AFTER TAKING INTO
ACCOUNT THE LEVEL OF BAHAMIAN FISHING. IN ACCORDANCE WITH
THE BEST SCIENTIFIC EVIDENCE AVAILABLE, IT IS THE U.S. VIEW
THAT 350 AMERICAN VESSELS SHOULD BE ALLOWED TO PURCHASE LICENSES
AT THE PRESENT TIME. THIS FIGURE WOULD BE ADJUSTED, IF APPRO-
PRIATE, FOLLOWING PERIODIC REASSESSMENTS OF THE STATUS OF THE
SPINY LOBSTER STOCKS, AS WELL AS REASSESSMENTS OF THE LEVEL
OF BAHAMIAN FISHING.

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THE UNITED STATES WOULD RECOMMEND THAT EACH VESSEL BE SUBJECT
TO A FLAT FEE TO BE PAID ANNUALLY, THE AMOUNT TO VARY PER
VESSEL LENGTH AS FOLLOWS:

LENGTH OF VESSEL	AMOUNT OF FEE
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0 TO 30 FEET	DOLS 250
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OVER 30 TO 45 FEET	500
OVER 45 TO 60 FEET	750
OVER 60 FEET	1,000

THE UNITED STATES BELIEVES THAT LICENSES SHOULD BE ISSUED BY THE FLAG STATE IN ACCORDANCE WITH ARRANGEMENTS AGREED UPON BY BOTH GOVERNMENTS.

III. COORDINATION IN MANAGEMENT AND CONSERVATION

THERE SHOULD BE A MEANS OF FACILITATING THE PROPER CONSERVATION OF THE SPINY LOBSTER STOCKS OF BOTH COUNTRIES. IT IS THE VIEW OF THE UNITED STATES THAT THERE SHOULD BE A MECHANISM TO PROVIDE FOR A REGULAR AND SYSTEMATIC REVIEW OF THE STATUS OF THE RESOURCE AND TO RECOMMEND TO THE TWO GOVERNMENTS WHATEVER CONSERVATION MEASURES ARE APPROPRIATE.

IV. FISHERY ANALYSIS AND RESOURCE ASSESSMENTS

THE UNITED STATES PROPOSES A COOPERATIVE SCIENTIFIC INVESTIGATION OF THE LOBSTER STOCKS OF THE BAHAMIAN BANKS. MONITORING AND ANALYSIS OF THE FISHERY AS WELL AS SURVEYS AND ASSESSMENT OF THE RESOURCE ARE ENVISAGED. THESE STUDIES WOULD INCLUDE AREAS WHERE THE FISHERY NOW OPERATES AS WELL AS OTHER AREAS NOT UTILIZED AT THE PRESENT TIME.

EXISTING EFFORTS TO COLLECT AND ANALYZE FISHERIES CATCH DATA WOULD BE EXPANDED. WE WOULD ALSO PROPOSE ADDITIONAL ASSESSMENT ACTIVITIES INCLUDING REEF SURVEYS, THE ESTABLISHMENT AND MONITORING OF A SANCTUARY AREA WHERE AN UNMOLESTED POPULATION CAN BE OBSERVED, AND TAGGING TO DETERMINE GROWTH, MORTALITY, MIGRATORY MOVEMENTS, AND OTHER POPULATION CHANGES.

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V. COOPERATIVE ENFORCEMENT OF MANAGEMENT MEASURES

U.S. PARTICIPATION IN ENFORCEMENT PROGRAMS FOR CONSERVATION MEASURES COORDINATED BETWEEN THE TWO COUNTRIES WOULD BE VERY SIGNIFICANTLY ENHANCED BY A BAHAMIAN/AMERICAN TREATY REGARDING SPINY LOBSTER. IMPLEMENTING U.S. LEGISLATION FOR SUCH A TREATY

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ACTION OFA-01

INFO OCT-01 ARA-06 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

DLOS-04 EB-07 COME-00 CG-00 DOTE-00 INT-05 JUSE-00

TRSE-00 SCS-03 SCA-01 AGR-05 IO-10 OES-03 NSCE-00

SSO-00 USIE-00 INRE-00 /086 W
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WOULD ESTABLISH NEW FEDERAL AUTHORITY SPECIFICALLY DESIGNED TO IMPROVE ENFORCEMENT EFFICIENCY AND ACHIEVE FULL COMPLIANCE BY ALL PERSONS UNDER U.S. JURISDICTION WITH CONSERVATION AND LICENSING CONTROLS ESTABLISHED UNDER THE TREATY. IN THE INTERIM PERIOD, PENDING TREATY RATIFICATION AND THE ENACTMENT OF IMPLEMENTING LEGISLATION, U.S. ENFORCEMENT ACTIVITIES WOULD INCLUDE VOLUNTARY COMPLIANCE BY THE FISHERMAN, U.S. ENCOURAGEMENT OF VOLUNTARY COMPLIANCE THROUGH INTENSIVE EDUCATIONAL PROGRAMS, AND THE APPLICATION OF EXISTING LAWS INsofar AS THEY MAY ASSIST IN ACHIEVING THE OBJECT AND PURPOSE OF THE AGREEMENT.

A MAJOR ASPECT OF U.S. ENFORCEMENT EFFORTS WOULD INCLUDE THOROUGH SURVEILLANCE BY U.S. COAST GUARD PATROLS OF SPINY LOBSTER FISHING AREAS OFF THE BAHAMAS. THIS WOULD ASSIST IN DETERRING VIOLATIONS AND IN THE COLLECTION OF EVIDENCE FOR ENFORCEMENT PROCEEDINGS. IN CONJUNCTION WITH COOPERATIVE ENFORCEMENT PROGRAMS, THE U.S. COAST GUARD WOULD BE PREPARED TO ASSIST IN TRAINING AND INFORMATION EXCHANGE PROGRAMS TO EXPAND THE ENFORCEMENT CAPABILITY OF THE BAHAMAS.

VI. ASSISTANCE IN TRAINING BAHAMIAN FISHERMEN
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THE UNITED STATES COULD PROVIDE TRAINING PROGRAMS FOR BAHAMIAN FISHERMEN. AS AN EXAMPLE, TRAINEES MIGHT BE SELECTED BY THE

BAHAMAS AND THE UNDP/FAO FISHERIES DEVELOPMENT PROGRAMME AND OBTAIN INITIAL INSTRUCTION IN THE BAHAMAS. FOLLOWING SUCH INSTRUCTION, TRAINEES COULD PARTICIPATE IN CRUISES ABOARD U.S. FISHERY RESEARCH VESSELS, STUDYING FISHING TECHNIQUES, INCLUDING TECHNIQUES FOR EXPLORATORY FISHING, AND METHODS FOR GEAR OPERATION AND GEAR DEVELOPMENT. END TEXT

5. GCOB REP (ADDERLEY) REQUESTED A DAY TO STUDY U.S. PAPERS. HOWEVER, THE FOLLOWING POINTS WERE MADE IN PRELIMINARY DISCUSSIONS:

(A) GCOB DEL ASKED FOR U.S. COMMENT ON BAHAMIAN LEGAL REQUIREMENT THAT AN AGREEMENT APPLY ONLY TO BOATS OWNED BY U.S. CITIZENS. (B) U.S. DEL, IN RESPONSE TO REQUEST FOR EXPLANATION OF FLORIDA LICENSING WITH RESPECT TO ALIENS, INDICATED THERE IS NO DISCRIMINATION THERE. AFTER LENGTHY DISCUSSION OF FLORIDA LAWS, FISHING AND MARKETING PATTERNS IN U.S. AND BAHAMAS, AND RESOURCE CONDITIONS, ADDERLEY SUGGESTED THAT THERE ARE MORE FISHERMEN IN FLORIDA THAN FLORIDA FISHERY CAN SUSTAIN. HE QUESTIONED HOW HE COULD JUSTIFY TO BAHAMAS LEGISLATURE A RECIPROCAL AGREEMENT FOR 350 BAHAMIANS TO GET LICENSES TO FISH IN FLORIDA WATERS WHEN THIS MEANS THERE ARE NO SURPLUS LOBSTER OFF FLORIDA FOR BAHAMIANS UNDER ANY RECIPROCAL ARRANGEMENT. U.S. DEL AGREED THAT RECIPROCAL FISHING OPPORTUNITIES FOR BAHAMIANS OFF FLORIDA MIGHT NOT BE A MAJOR ATTRACTION TO THE BAHAMIANS AT THE PRESENT TIME. HOWEVER, IT WAS ANTICIPATED THAT LONG TERM MECHANISM WOULD BE ABLE TO ACCOMMODATE THIS CONCERN, AND OTHER OFFSETTING FEATURES OF AN AGREEMENT MIGHT BE OF SUBSTANTIAL INTEREST TO THE BAHAMAS PROVIDING AN OVERALL BALANCE IN THE AGREEMENT.

(C) GCOB DEL THEN SUGGESTED THAT LOBSTER RESOURCE ON BAHAMIAN BANKS MIGHT BE OVERFISHED AT CURRENT LEVEL OF EXPLOITATION, NOTING THAT CLARIFICATION OF RESOURCE CONDITION WAS ESSENTIAL BEFORE OTHER ISSUES WERE ADDRESSED FURTHER. U.S. DEL RESPONDED WITH PROPOSAL (ACCEPTED BY BAHAMIANS) FOR IMMEDIATE MEETING OF TECHNICAL EXPERTS FROM BOTH SIDES TO REVIEW AVAILABLE DATA. (FYI - INFORMATION DEVELOPED BY U.S. SCIENTISTS INDICATES LIMITED OFFICIAL USE

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BAHAMIAN LOBSTER RESOURCE CURRENTLY BEING UTILIZED AT LEVEL BELOW MAXIMUM SUSTAINABLE YIELD).

6. TALKS SCHEDULED RESUME AUGUST 15.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHELLFISH, NEGOTIATIONS, FISHING AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NASSAU01317
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750281-1063
From: NASSAU
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750853/aaaabuey.tel
Line Count: 272
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OFA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 NASSAU 1306, 75 NASSAU 1309
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 03 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 SEP 2003 by ElyME>; APPROVED <08 DEC 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OPENING SPINY LOBSTER TALKS
TAGS: EFIS, BF, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006